

## **INDEX OF NON-EXEMPT DOCUMENTS**

Freedom of Information Act (FOIA) Request EPA-R4-2015-000509

CD dated 10-20-2010 – Perdido Mitigation Bank – Mitigation Banking Instrument

Letter dated October 20, 2010, to Bill Ainslie, EPA, from Joe P. Bearrentine, PMB, LLC,  
re: final Mitigation Banking Instrument (MBI) – 1 page

Concurrence Memorandum dated November 1, 2010, to Jennifer Derby, EPA, from William Ainslie,  
EPA, re: Mitigation Banking Instrument for the Establishment and Operation of Perdido Mitigation  
Bank – Phillippsville, Baldwin County, Alabama – 1 page

Letter dated November 9, 2010, to Mike Moxey, U.S. Army Corps of Engineers – Mobile District, from  
William Ainslie, EPA, re: Mitigation Banking Instrument – 2 pages

Concurrence Memorandum dated January 14, 2011, to Jennifer Derby, EPA, from William Ainslie,  
EPA, re: Mitigation Banking Instrument for the Establishment and Operation of Perdido Mitigation  
Bank- Baldwin County, Alabama - 1



**PMB, LLC**  
ENHANCING LOCAL ECOSYSTEMS  
TO ASSIST SOUTH ALABAMA'S  
RAPIDLY DEVELOPING ECONOMY

40150 State Hwy. 59  
Bay Minette, AL 36507  
Phone (251) 202-8052  
Fax (251) 937-0714

October 20, 2010

Environmental Protection Agency  
Region IV, Water Management Division  
60 Forsyth Street SW  
Atlanta, Georgia 30303-8801  
Attn: Mr. Bill Ainslie

Mr. Ainslie:

Enclosed are a hard copy and a CD of the final Mitigation Banking Instrument (MBI) for Perdido Mitigation Bank, Baldwin County, Alabama. This MBI reflects not only our efforts, but also those of the entire Interagency Review Team (IRT). We would like to thank each of you for your support at our meetings, site visit and especially your input on the MBI. We look forward to continuing our good working relationship with each of you as we proceed in our wetland mitigation efforts.

Also, enclosed is a signature page that we need to have signed and forwarded to Mr. Michael Moxey, IRT Chair at the Mobile Corps office. Your effort to expedite this matter will be greatly appreciated. Thanking you in advance, I remain,

Sincerely,



Joe P. Bearrentine, Member  
PMB, LLC

Enclosures: (1) PMB-MBI: Hard Copy-CD  
(2) Signature Page: Ms. Jennifer Derby, Section Chief  
Wetlands and Marine Regulatory Section





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**Atlanta Federal Center  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-8960**

**CONCURRENCE MEMORANDUM**

**DATE:** November 1, 2010

**SUBJECT:** Mitigation Banking Instrument for the Establishment and Operation of  
Perdido Mitigation Bank – Phillipsville, Baldwin County, AL

**FROM:** William B. Ainslie, Wetlands Section *WBA*

**TO:** Jennifer Derby, Chief  
Wetland and Marine Regulatory Section

Perdido Mitigation Bank (PMB), LLC is seeking approval of a mitigation bank located in Baldwin County, Alabama, approximately seven miles northeast of Bay Minette and six miles south of Perdido in the Phillipsville community. Central coordinates for this bank are approximately 30°56'05.65"N, 87°38'59.83"W. The bank area consists of a 750 acre parcel containing approximately 528 acres of wetland, 383 acres of which are degraded pine savannah, 145 acres are intact bottomland hardwoods and the remaining 222 acres being upland. Currently only the 383 acres of degraded pine savannah will generate credits for the bank according to the Mobile District ratio method. The banker proposes that the bank will remove all of the acreage in the bank from commercial timber harvest and reintroduce fire into this historically fire maintained system.

Currently the site is being (and has been since 1950s) managed for pine silviculture with a monoculture of bedded pines. There currently exists approximately 145 acres of bottomland hardwood/riparian floodplain forest. This acreage of riverine forest is currently not proposed for inclusion in the determination of credits. The acres will be protected but will not generate any credits for sale by decision of the banker. Approximately 222 acres of upland habitat occurs within the bank boundary and will be protected but will not generate credits.

PMB will restore the characteristic vegetative structure and composition to the 383 acres of pine savannah wetlands through the reintroduction of a more natural fire regime. Prior to the initial controlled burn areas of densely-stocked plantation pine and raised beds will be removed, allowing for more characteristic surface flow across the site. Exotic species will be controlled through burning and herbicide treatments. Given this site is considered a mineral soil flat wetland type, hydrology is considered to be intact. No hydrologic data was provided in the DMBI however, since this is a flatwood with a predominant water source anticipated to be driven by precipitation no manipulation of hydrology is

proposed. EPA remains wary of any proposal that has not documented the hydrologic regime of a proposed site. As monitoring reports are submitted, EPA will scrutinize carefully for any signs in the vegetation that hydrology may not have been restored. Finally, the property will be preserved in perpetuity by a conservation easement granted to a qualified non-profit entity at the conclusion of the monitoring period.

I have reviewed the proposed mitigation banking instrument (MBI) and have participated in MBRT meetings regarding this proposed bank. However, I was unable to attend previous site visits. Despite our under-representation during the review of this bank EPA is hopeful that the wetland type proposed for restoration can adequately be restored. Through the use of site inspections and detailed monitoring reports, submitted by the Banker, the agencies will evaluate the progression of the wetland mitigation project, particularly for hydrology and soils re-establishment. Based on the conditions of the BI, and the Bank's compliance with the 2008 Mitigation Rule, the Bank should be accepted as a source of wetland mitigation credits for impacts occurring in the service area. However, EPA will continue to monitor the progress of this bank site and the release of credits as presented in the BI and will continue to work with the District to improve the mitigation banking procedures and requirements in the District.

If you concur with this recommendation, please sign and date the BI concurrence form at the indicated blocks.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**Atlanta Federal Center  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-8960**

November 9, 2010

Mr. Mike Moxey  
Mitigation Banking Review Team, Chair  
U.S. Army Corps of Engineers – Mobile District  
P.O. Box 2288  
Mobile, Alabama 36628-0001

Dear Mr. Moxey:

Please find enclosed the Environmental Protection Agency's concurrence with the Perdido Mitigation Bank, Baldwin County, AL. I have reviewed the proposed mitigation banking instrument (MBI) and am willing to concur on this bank given the banker complies with the 2008 Mitigation Rule, particularly meeting the performance standards and monitoring requirements of the MBI.

Based on the conditions of the MBI, the Bank should be accepted as a source of wetland mitigation credits for impacts occurring in the service area. If, in the event the bank is not performing, EPA will recommend that future projects not go to this bank for mitigation credits. EPA will continue to monitor the progress of this bank site and the release of credits as presented in the MBI. If you have any questions or concerns regarding this matter, please feel free to contact me at 404-562-9400.

Sincerely,

William B. Ainslie  
Wetlands Regulatory Section  
USEPA – Region IV  
61 Forsyth Street  
Atlanta, GA 30303






Perdido Mitigation Bank, Baldwin Co., AL  
Mitigation Banking Instrument

14 October 2010

## SIGNATURE PAGE

---

ENVIRONMENTAL PROTECTION AGENCY, REGION IV

  
Jennifer Derby, Section Chief  
Wetlands & Marine Regulatory Section

11/09/10  
Date





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**Atlanta Federal Center  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303-8960**

**CONCURRENCE MEMORANDUM**

**DATE:** January 14, 2011

**SUBJECT:** Mitigation Banking Instrument for the Establishment and Operation of  
Perdido Mitigation Bank – Baldwin County, AL

**FROM:** William B. Ainslie, Wetlands Section

**TO:** Jennifer Derby, Chief  
Wetland and Marine Regulatory Section

Perdido Mitigation Bank (PMB), LLC is seeking approval of a mitigation bank located in Baldwin County, Alabama, approximately seven miles northeast of Bay Minette and six miles south of Perdido in the Phillipsville community. Central coordinates for this bank are approximately 30°56'05.65"N, 87°38'59.83"W. The bank area consists of a 750 acre parcel containing approximately 528 acres of wetland, 383 acres of which are degraded pine savannah, 145 acres are intact bottomland hardwoods and the remaining 222 acres being upland. Currently only the 383 acres of degraded pine savannah will generate credits for the bank according to the Mobile District ratio method. The banker proposes that the bank will remove all of the acreage in the bank from commercial timber harvest and reintroduce fire into this historically fire maintained system.

Currently the site is being (and has been since 1950s) managed for pine silviculture with a monoculture of bedded pines. There currently exists approximately 145 acres of bottomland hardwood/riparian floodplain forest. This acreage of riverine forest is currently not proposed for inclusion in the determination of credits. The acres will be protected but will not generate any credits for sale by decision of the banker. Approximately 222 acres of upland habitat occurs within the bank boundary and will be protected but will not generate credits.

PMB will restore the characteristic vegetative structure and composition to the 383 acres of pine savannah wetlands through the reintroduction of a more natural fire regime. Prior to the initial controlled burn areas of densely-stocked plantation pine and raised beds will be removed, allowing for more characteristic surface flow across the site. Exotic species will be controlled through burning and herbicide treatments. Given this site is considered a mineral soil flat wetland type, hydrology is considered to be intact. No hydrologic data was provided in the DMBI however, since this is a flatwood with a predominant water source anticipated to be driven by precipitation no manipulation of hydrology is

proposed. EPA remains wary of any proposal that has not documented the hydrologic regime of a proposed site. As monitoring reports are submitted, EPA will scrutinize carefully for any signs in the vegetation that hydrology may not have been restored. Finally, the property will be preserved in perpetuity by a conservation easement granted to a qualified non-profit entity at the conclusion of the monitoring period.

I have reviewed the proposed mitigation banking instrument (MBI) and have participated in MBRT meetings regarding this proposed bank. However, I was unable to attend previous site visits. Despite our under-representation during the review of this bank EPA is hopeful that the wetland type proposed for restoration can adequately be restored. Through the use of site inspections and detailed monitoring reports, submitted by the Banker, the agencies will evaluate the progression of the wetland mitigation project, particularly for hydrology and soils re-establishment. Based on the conditions of the BI, and the Bank's compliance with the 2008 Mitigation Rule, the Bank should be accepted as a source of wetland mitigation credits for impacts occurring in the service area. However, EPA will continue to monitor the progress of this bank site and the release of credits as presented in the BI and will continue to work with the District to improve the mitigation banking procedures and requirements in the District.

If you concur with this recommendation, please sign and date the BI concurrence form at the indicated blocks.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
Freedom of Information Act  
Information Access Section

**Alternate Storage Location**

The responsive records for this request are voluminous in nature. They have been provided to the requester in hardcopy or compact disk through postal mail. The original records are stored in an alternate storage location.

If you would like to submit a FOIA request to EPA Region 4 for these records, please submit a request using one of the following options. In order to better assist you, please include the tracking number for this request, which is located at the top right hand portion of the request details screen.

**Online:**

[www.foiaonline.regulations.gov](http://www.foiaonline.regulations.gov)

**Mail:**

U.S. Environmental Protection Agency  
Region 4 Freedom of Information  
SNAFC Bldg, 61 Forsyth Street, S.W., 13th Flr  
Atlanta, GA 30303-8960

**Email:** [r4foia@epa.gov](mailto:r4foia@epa.gov)

If you have questions, please contact the FOIA Coordinators Team at email: [r4foia@epa.gov](mailto:r4foia@epa.gov) or Telephone: (404) 562-8019, ext.8676 or ext. 8015.

If you have concerns regarding the processing of your request, please contact LouAnn Gross, Chief, Information Access Section, at [gross.louann@epa.gov](mailto:gross.louann@epa.gov) or telephone: (404) 562-9642.

